

REMARKS

This is in full and timely response to the non-final Office Action mailed on August 22, 2001. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-2, 5-7, 10-17, 19-22, and 24-26 are currently pending in this application, with claims 1, 5, 15, and 22 being independent.

No new matter has been added.

Claims 15

Claim 15 has been amended to correct typographical errors.

Newly-added claims

Newly-added claims 27-30 include the storage of the audio programming and the portion of the contextual information within the removable memory cartridge. Support is provided within the specification as originally filed at, for example, page 15, lines 2-8).

While U.S. Patent No. 5,577,266 issued to Takahisa et al. (Takahisa '266) arguably teaches a removable memory 207, the removable memory 207 arguable stores contextual information (column 6, lines 40-45). However, Takahisa '266 fails to

disclose, teach or suggest removable memory 207 as including the storage within the removable memory cartridge of the audio programming along with the contextual information.

These features are not found within U.S. Patent 5,239,540 issued to Rovira et al. (Rovira), U.S. Patent No. 6,212,359 issued to Knox, U.S. Patent 5,596,373 issued to White et al. (White), U.S. Patent 5,694,162, issued to Freeny et al. (Freeny), U.S. Patent 5,703,795, issued to Mankovitz, or U.S. Patent 5,579,537, issued to Takahisa (Takahisa '537), either individually or in combination.

Allowance of the claims is respectfully requested.

Rejection under 35 U.S.C. 103

Claims 1, 2, and 4 were rejected under 35 U.S.C. 103 as allegedly being obvious over U.S. Patent 5,239,540 issued to Rovira et al. (Rovira) in view of U.S. Patent No. 6,212,359 issued to Knox, and in further view of Takahisa '266.

Claim 3 was rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view of Takahisa '266, and in further view of U.S. Patent 5,596,373 issued to White et al. (White).

Claims 5-7 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Takahisa '266, and in further view of U.S. Patent 5,694,162, issued to Freeny et al. (Freeny).

Claims 8-13 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Takahisa '266 and in further view of U.S. Patent 5,703,795, issued to Mankovitz.

Claims 14-26 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Knox, and in further view Takahisa '266 and in further view of U.S. Patent 5,579,537, issued to Takahisa (Takahisa '537).

These rejections are respectfully traversed for at least the following reasons.

As an initial matter, while not conceding the propriety of these rejections, and in order to further the prosecution of the application, claims 3-4, 8-9, 18, and 23 have been canceled by the amendment filed on June 25, 2001, rendering moot these rejections as to these claims.

The claimed invention is drawn to a method that includes, *inter alia*, the feature of storing at least a portion of the contextual information of the data signal onto a removable memory medium.

The Office Action states that Rovira fails to disclose, teach or suggest the step of storing at least a portion of the contextual information of the data signal onto a removable memory medium. However, the Office Action cites Takahisa '266 for the features deficient in Rovira.

The Office Action contends that the skilled artisan would have been motivated to combine Takahisa '266 with Rovira such that audio program information could be more flexible, and conveniently carried by the user for listening to the music at another place.

In response to this contention, even if a reference or some other objective teaching is in existence, "a determination of obviousness must involve more than indiscriminately combining prior art; a motivation or suggestion to combine must exist" (emphasis added). *Micro Chemical, Inc. v. Great Plains Chemical Co.*, 41 USPQ2d 1238, 1244 (Fed. Cir. 1997). Also see *In Re Sang Su Lee*, Federal Circuit, decided January 18, 2002. While Takahisa '266 arguably teaches a removable memory 207, the removable

memory 207 arguable stores contextual information (column 6, lines 40-45), Takahisa '266 fails to teach that the audio program information could be more flexible, and conveniently carried by the user for listening to the music at another place. Thus, the proper motivation is not found within Takahisa '266.

Freeny and Takahisa '537 also fail to disclose, teach or suggest the features deficient within Roivra.

The Office action additionally cites Mankovitz for the above-noted features deficient within Roivra. In particular, the Office action contends that Mankovitz teaches a memory cartridge for storing at least a portion of said contextual information of said data signal. In response to this contention, the broadcast signal of the claimed invention is an audio signal and a data signal combined. Mankovitz fails to disclose, teach or suggest a broadcast signal that comprises combined audio and data signals.

Furthermore, the claimed data signal contains contextual information about audio programming carried by the audio signal. However, Mankovitz fails to disclose, teach or suggest the broadcasting of contextual information. Instead, the contextual information of Mankovitz is the station or channel, day and time (SDT) (col.8, lines 10-12). Furthermore, the SDT is not provided to the receiver 100 as a broadcast signal. In fact, this SDT is

generated within the receiver 100 (col.10, lines 42-49, and col.11, lines 7-14).

Moreover, the SDT is recorded (col.8, lines 11-12). The recorded SDT is then delivered to central station 20 (col.8, lines 12-15). The central station 20 generates the auxiliary information using a database located at central station 20. This auxiliary information also includes contextual information (col.8, line 46). When the auxiliary information is generated by the central station 20 and a hard copy of the auxiliary information is then delivered from the central station 20 to the user (col.8, line 59 to col.9, line 6).

Thus, Mankovitz fails to disclose, teach or suggest at least a portion of the contextual information of the data signal stored in memory of the receiver, wherein the contextual information about audio programming is carried by the audio signal.

For the reasons set forth above, Rovira, Takahisa '266, Freeny, Mankovitz and Takahisa '537, either individually or in combination, fail to render Applicant's invention obvious. Furthermore, the claims are considered allowable for the same reasons discussed above, as well as for the additional features they recite.

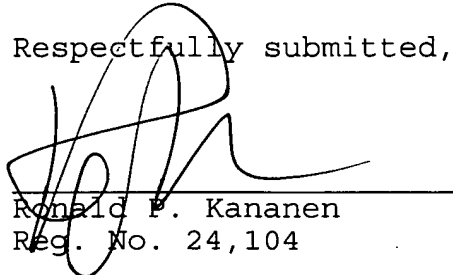
Withdrawal of these rejections and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

Respectfully submitted,



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APPENDIX

IN THE CLAIMS

Please amend the claims as follows.

1. A method of providing listeners with information about audio programming being digitally broadcast comprising:

combining a data signal carrying contextual information about said audio programming with an audio signal carrying said audio programming;

receiving said combined data and audio signals with a receiver;

separating said data and audio signals;

transducing said audio signal into audible sound;

displaying said contextual information of said data signal on a display device of said receiver; and

storing at least a portion of said contextual information of said data signal onto a removable memory medium.

2. The method of claim 1, further comprising broadcasting said combined data and audio signals as a digital radio signal.

3. (canceled).

4. (canceled).

5. A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

- a transceiver for receiving said broadcast signal;
- a signal processor for separating said audio and data signals;
- an audio output device for outputting said audio signal;
- a memory cartridge for storing at least a portion of said contextual information of said data signal, wherein said memory cartridge is a removable memory cartridge.

6. The receiver of claim 5, further comprising a display device for displaying said contextual information of said data signal.

7. The receiver of claim 6, further comprising a user input device for controlling said display of said contextual information on said display device.

8. (canceled).

9. (canceled).

10. The receiver of claim 5, further comprising a user input device for controlling said storage of contextual information in said memory cartridge and accessing stored contextual information in said memory cartridge.

11. The receiver of claim 5, further comprising a connection between said processor and a service provider over which at least a portion of said contextual information may be transmitted to identify particular audio programming to said service provider.

12. The receiver of claim 11, further comprising a user input device for controlling transmission of contextual information over said connection to said service provider and for generating requests to be transmitted to said service provider to purchase a recording of said particular audio programming.

13. The receiver of claim 11, further comprising a memory device for storing audio programming and contextual information received over said connection from said service provider.

14. The receiver of claim 11, wherein said connection to said service provider is a wireless connection.

15. (amended) A method for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said method comprising:

receiving said broadcast signal with a transceiver;
separating said audio and data signals with a signal processor;
outputting said audio signal; and
storing at least a portion of said contextual information of said data signal in a ~~removeable~~removable memory cartridge.

16. The method of claim 15, further comprising a displaying said contextual information of said data signal with a display device.

17. The method of claim 16, further comprising controlling said display of said contextual information on said display device with a user input device.

18. (canceled).

19. The method of claim 15, further comprising purchasing a recording of said audio programming by transmitting at least a portion of said contextual information to a service provider to identify said audio programming.

20. The method of claim 19, wherein said transmitting to a service provider is performed by wirelessly transmitting to said service provider.

21. The method of claim 15, further comprising:
transmitting at least a portion of said contextual information to a service provider to identify said audio programming; and
receiving from said service provider additional contextual information for said audio programming.

22. A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

means for receiving said broadcast signal;
means for separating said audio and data signals;
means for outputting said audio signal;
means for displaying said contextual information of said data signal; and

means for storing at least a portion of said contextual information of said data signal, wherein said storing means is removable.

23. (canceled).

24. The receiver of claim 22, further comprising means for controlling said display of said contextual information on said display device.

25. The receiver of claim 22, further comprising means for storing at least a portion of said contextual information of said data signal.

26. The receiver of claim 22, further comprising a means for transmitting at least a portion of said contextual information to a service provider to purchase a recording of said audio programming.

Please add the following new claims.

27. (new) The method of claim 1, wherein said step of storing further includes storing said audio programming onto said removable memory medium.

28. (new) The receiver of claim 5, wherein said removable memory cartridge stores said audio programming and said at least said portion of said contextual information of said data signal.

29. (new) The method of claim 15, wherein said step of storing further includes storing said audio programming in said removable memory cartridge.

30. (new) The receiver of claim 22, wherein said storing means stores said audio programming and said at least said portion of said contextual information of said data signal.